



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,321	01/31/2001	Greg Arnold	PALM-3564.US.P	9217

7590 02/23/2004

WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER
----------

CHOW, MING

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/775,321

Applicant(s)

ARNOLD ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,12-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,12-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 5, 7-9, 12, 14-16, 18, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al (US: 6584490), and in view of Miner et al (US: 6047053).

For claims 1, 2, 5, 8, 9, 12, 15, 16, 18, 21, 22, regarding “receiving entry.....ending time”, Schuster et al teach on column 26 line 7-9 appointment book (claimed “electronic calendar program” entries (reads on “receiving entry”). Schuster et al teach on Fig. 13 the appointment has a starting and an ending time.

Regarding “receiving a.....palmtop computer”, Schuster et al teach on column 23 line 30-36 selecting an office number, or a cellular phone number, or a pager number for forwarding a call based on the scheduled time (claimed “time duration of the appointment”).

Schuster et al failed to teach “the selection of the destination is in response to a receipt of a date book alarm prior to receiving the selection of a destination”. However, Miner et al teach on column 41 line 37 to column 42 line 35 the electronic assistant (claimed “palmtop computer”) notifies the subscriber of the reminder (claimed “a date book alarm”) and the subscriber reviews it (claimed “a response to a date book alarm”; column 41 line 51-54) or reschedules it (claimed

Art Unit: 2645

“a response to a date book alarm”; column 42 line 7-9) before calls them (reads on claimed “selection of the destination”; column 42 line 23-26).

Regarding “sending a.....ending time”, Schuster et al teach on column 8 line 30-38 downloading the profile (claimed “sending a message”) to the voice communication device (claimed “telephone call server”) to take calls as directed the user.

It would have been obvious to one skilled at the time the invention was made to modify Schuster et al to have the “the selection of the destination is in response to a receipt of a date book alarm prior to receiving the selection of a destination” as taught by Miner et al such that the modified system of Schuster et al would be able to support the receiving a response before the selection of the destination to the system users.

Regarding claims 7, 14, 20, Schuster et al teach on column 7 line 31-32 the link (between palmtop computer and telephone call server) is wireless.

2. Claims 3, 10, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al as applied to claim 2 above, and in view of Miner et al, Fuller et al (US: 6453164). Schuster et al in view of Miner et al as stated in claim 2 above failed to teach “the telephone.....routing profiles”. However, Fuller et al teach on column 69 line 57 to column 70 line 3 selecting a profile for routing calls. It would have been obvious to one skilled at the time the invention was made to modify Schuster et al, Miner et al to have the “the telephone.....routing profiles” as taught by Fuller et al such that the modified system of Schuster et al, Miner et al would be able to support the plurality of routing profiles to the system users.

Art Unit: 2645

3. Claims 6, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al as applied to claim 1 above, and in view of Miner et al, Chow et al (US: 6606505). Schuster et al in view of Miner et al as stated in claim 1 above failed to teach “the message comprises an HTML message”. However, Chow et al teach on column 71 line 33-36 web page (claimed “HTML”) includes phone numbers for calls to be forwarded. It would have been obvious to one skilled at the time the invention was made to modify Schuster et al, Miner et al to have the “the message comprises an HTML message” as taught by Chow et al such that the modified system of Schuster et al, Miner et al would be able to support the HTML message to the system users.

***Response to Arguments***

4. Applicant's arguments filed on 12/16/03 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 8, regarding the “reminder” as taught by the referenced prior art (Miner et al) does not offer an option to the subscriber to select a destination for incoming telephone call. First of all, the argued “offer an option to the subscriber” is NOT a claimed limitation. Secondly, Miner et al teach on column 42 line 20-26 the reminder identifies a contact (claimed “selection of the destination”) for the subscriber to make a call.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703)

Application/Control Number: 09/775,321

Page 6

Art Unit: 2645

305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to TC2600's Customer Service FAX Number 703-872-9314.**

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2600

